HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 2078 OF 2001

Petitioner : Yadumani Chouwdhary, S/o Rohit Kumar Choudhary, aged about 28 years, R/o Jarekela, Block Tamnar Dist. Raigarh (C.G.)

Versus

Respondents :1. State of Chhattisgarh through Secretary, School Education Deptt. Raipur.

2. Commissioner, Lok Shikshan, Chhattisgarh Raipur,

3. Collector, Raigarh.

4. Chief Executive Officer, District Panchayat Raigarh.

5. Chief Executive Officer, Janpad Panchayat Tamnar, Dist. Raigarh.

Present: Shri Sunil Sahu, counsel for the petitioner.
Shri Alok Bakshi, Government Advocate for the State/respondent No.1.
None for the respondents No.2, 3, 4 and 5.

ORAL ORDER

(3rd February, 2006)

1. This petition filed under Article 226/227 of the Constitution of India seeks a direction against the respondents to issue appointment order in favour of the petitioner on the post of Shiksha Karmi, Grade-III, in accordance with the circular dated 27.1.99 (Annexure P-3). According to the petitioner, the petitioner

applied for appointment on the post of Shiksha Karmi, Grade-III (Lab Assistant/Assistant Teacher Science). The petitioner was put in the waiting list at serial No. 1. By order dated 18.7.2001 (Annexure P-9) the petitioner could not be appointed on the post of Shiksha Karmi, Grade-III, inspite of the fact that there was vacancy available and the State Government by its circular dated 27.1.99 has directed all the Chief Executive Officers of District Panchayats and Zila Panchayats to fill up the vacancies from the candidates placed in the waiting list. It is well settled principle of law that a candidate has no right to be appointed even if he is placed in the waiting list, except in the cases where employer has not chosen the criteria of following the merit list. In the present petition, it is not the case of the petitioner that some one below in the seniority has been appointed. Admittedly, the petitioner was in the waiting list at serial No. 1 which has not been denied by the respondents.

2. For the reasons stated above, the respondents may consider the appointment of the petitioner on the post of Shiksha Karmi, Grade-III, in accordance with the circular dated 27.1.99 (Annexure P-3) and in accordance with law, if any vacancy is available.

3. In view of the foregoing this petition stand disposed of. No order as to cost.

Sd/-
Satish K. Agnihotri
Judge